

Filed by: Sally C. Medley
Administrative Patent Judge
Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

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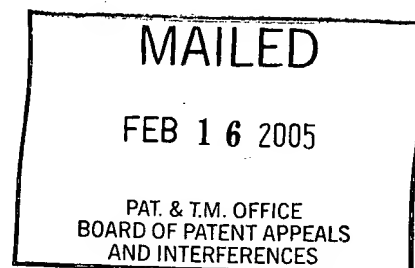
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JEAN-LUC CAILLAT
Junior Party
(Patent 6,206,652),

v.

ALEXANDER LIFSON
Senior Party
(Application 09/921,334).



Patent Interference No. 105,288

DECLARATION

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Sally C. Medley has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

The Board is conducting a DVD pilot project. A copy of the procedure is attached to this order.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **1:30 p.m. on 13 April 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER¹. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

The Board is conducting an electronic filing pilot project. A copy of the procedure is attached to this order. Counsel should be prepared to discuss participation in the pilot project.

¹ Default times for time periods 1-10 are attached.

Part E. Identification and order of the parties

Junior Party

Named inventor: JEAN-LUC CAILLAT, Dayton, Ohio

Patent: 6,206,652, granted 27 March 2001, based on application 09/139,865, filed 25 August 1998

Title: Compressor capacity modulation

Assignee: Copeland Corporation

Accorded Benefit: None

Senior Party

Named Inventors: ALEXANDER LIFSON, Manlius, New York

Application: 09/921,334, filed 3 August 2001

Title: Pulsed flow for capacity control

Assignee: None

Accorded Benefit: 08/986,447, filed 8 December 1997, now patent 6,047,556, granted 11 April 2000²

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

² The involved Lifson application is a reissue application of the benefit application.

Part F. Count and claims of the parties

Count 1

Claim 4 of Lifson reissue application 09/921,334

or

Claim 1 of Caillat patent 6,206,652

The claims of the parties are:

Caillat: 1-29

Lifson: 1-19, 21-25 and 27-38

The claims of the parties which correspond to Count 1 are:

Caillat: 1-6, 11, 14-17 and 21-27

Lifson: 4-12, 14, 15, 17-19, 21, 22, 24, 25, 27 and 29-38

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Caillat: 7-10, 12, 13, 18-20, 28 and 29

Lifson: 1-3, 13, 16, 23 and 28

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference. See SO

¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
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(Administrative Patent Judge Sally C. Medley)

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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Sally C. Medley
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850 and examiner's write-up
Copy U.S. Patent 6,206,652
Copy of claims of application 09/921,334
Copy of default times for time periods 1-10
Copy of e-filing pilot project order
Copy of DVD pilot project order

Revised September 2004

cc (via overnight delivery):

Attorney for Caillat:

HARNESS , DICKEY & PIERCE, P.L.C.
5445 Corporate Drive
Suite 400
Troy, MI 48098

Tel: 248-641-1600
Fax: 248-641-0270

Attorney for Lifson:

BANNER & WITCOFF, LTD.
28 State Street
28th Floor
Boston, MA 02109-9601

Tel: 617-720-9600
Fax: 617-720-9601